

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES,

Plaintiff,

v.

\$9,300.00 UNITED STATES
CURRENCY,

Defendant.



19-CV-51
ORDER

On January 8, 2019, the United States filed a verified complaint for forfeiture, naming as an *in rem* defendant \$9,300.00 United States currency that had been seized from the residence of the claimant, John Bollinger. Docket Item 1. On March 25, 2019, Bollinger filed an answer to the complaint and a claim for the defendant currency.

On March 28, 2019, this Court referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 8. On October 31, 2019, the government moved to strike Bollinger's answer and claim as a sanction under Rule 37(d) of the Federal Rules of Civil Procedure for failure to attend a deposition and respond to interrogatories. See Docket Item 10. Bollinger did not respond to that motion. On January 8, 2020, Judge Scott issued a Report and Recommendation ("R&R") finding that the government's motion should be granted. Docket Item 13. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court

must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither section 636 nor Rule 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has carefully reviewed Judge Scott's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge Scott's recommendation to grant the government's motion.

For the reasons stated above and in the R&R, the government's motion to strike Bollinger's answer and claim, Docket Item 10, is GRANTED; and the Clerk of the Court shall terminate Bollinger as a party to this action. A warrant hearing is scheduled for 03/20/20 at 9:00 AM at the U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo.

SO ORDERED.

Dated: February 10, 2020
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE